

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)

California Public Utilities Commission and)
The People of the State of California Petition)
for Delegation of Additional Authority)
Pertaining to Area Code Relief and to)
NXX Code Conservation Measures)

NSD File No. 98-136

Implementation of the Local)
Competition Provisions of the)
Telecommunications Act of 1996)

CC Docket No. 96-98

**REPLY COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION**

The United States Telephone Association (USTA) hereby submits its reply comments to the comments filed on the California Public Utilities Commission and the People of the State of California (California) petition for additional authority pertaining to area code relief planning and implementation and to NXX code conservation measures in the above-captioned proceeding.¹ USTA filed comments opposing the petitioner's request.

In its petition, California sought delegated authority to implement a mandatory number pooling trial, to order "efficient number use practices" within NXX codes, to consider requests by carriers for assignment of codes outside the

¹ Public Notice, DA 99-928, released May 14, 1999 (Public Notice).

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NXX code rationing process, to order carriers to return unused NXX codes to the code administrator, and to order carriers to return unused or under-utilized portions of NXX codes to the pooling administrator.

The comments filed on the California petition follow the pattern established in this and similar petitions filed by individual states seeking relief to deal with number shortages.² On those issues that have been raised before, USTA incorporates its comments and reply comments. Several other parties' comments that are in accord with USTA's position deserve particular mention. MCI Worldcomm opposed the California request for mandatory thousand block pooling trials and pointed out that the Commission should not authorize additional individual state pooling trials until its own rules and the national pooling architecture are established.³ MCI Worldcomm outlined a responsible position and USTA welcomes the opportunity to agree with its comments. It is also clear from information provided by other parties that it is unlikely that California could deploy thousand block pooling before the national plan is ready for implementation.⁴

² The other states that have petitioned for similar relief are New York, Massachusetts, Maine, and Florida.

³ Comments of MCI Worldcomm at 3-4.

⁴ See, "...it is unlikely that pooling will be ready for deployment on any widespread basis before the first quarter of 2001. California cannot, by itself accelerate that deployment." Comments of MCI Worldcomm at 4; "As the CPUC admits, it may take up to 19 months to implement 1000-block pooling. Additional time will be needed for the CPUC to develop a detailed implementation plan and 'work with the industry to develop a structure for the trial,' as well as for the Common Carrier Bureaus review of the detailed plan. (fn omitted) Thus, *the CPUC experiment would begin about two years in the future - far too late* to yield information that will assist this Commission in reaching decisions or establishing standards for national number pooling...." Comments of AirTouch at 7; "It is unlikely that a thousands-block number pooling trial could be implemented earlier than the Commission's adoption of national number conservation policies." Comments of SBC Communications at 4.

In addition, USTA believes that, at the very least, if California were to seriously propose to order any implementation of pooling, trial or otherwise, it should carefully consider the conditions under which the mandatory Illinois trial is being conducted.⁵ California has provided no such information in its petition. USTA respectfully suggests that the record in this proceeding shows that pooling trials or implementation plan as suggested by California would be contrary to the effort to develop a national plan. Furthermore, even if effective, any such implementation could not occur until too late to affect the current problem in California or to provide any useful information to the industry or the Commission.

USTA suggested that unusual conditions may exist for grant of codes in unusual circumstances.⁶ SBC Communications provided information on two situations in which analogous conditions have been successfully resolved.⁷ In those two situations, the Commission's Common Carrier Bureau has directed grant of the codes in question. California has no need to request special authority when facing such circumstances. If California wants to shorten the time in which such decisions can be made, it might be helpful to first direct a reasoned request to the North American Numbering Plan Administrator (NANPA). Given the two situations cited by SBC, it may be that NANPA would agree that such relief should be granted forthwith without the necessity of formal appeal to the Commission. However, USTA believes that it is appropriate to consider development of a set of consistent conditions for application when such issues must be addressed. California should

⁵ Comments of AirTouch at 7-8.

⁶ Comments of USTA at 8.

not be granted any unilateral authority to compel assignment of numbering resources.

An additional issue has been raised in comments to the California petition that warrant further attention. That issue is addressed below.

The California Cable Television Association (CCTA) contended that states should be given additional authority to grant “facilities-based CLECs serving residential customers” a preference in allocating NXX codes.⁸ As justification for its position, it erroneously claimed that incumbents are holding “a huge embedded base of unassigned telephone numbers”⁹ and that its proposed relief was necessary to assure fair competition and free entry.

CCTA’s contention is totally misplaced and incorrect. First, California neither cited nor hinted at any behavior on the part of any group of carriers as justification for a change in its existing lottery process. In fact, California only generally asked the Commission to affirm that states have the authority to direct the allocation of NXX codes outside the code rationing process. It cited no specific reason for such requested relief. Second, CCTA seems to be suggesting some new process that will offer preferential code assignments to new entrants. CCTA attempted to justify this unwarranted suggestion based on a general assertion concerning the investment that new entrants have made in telephony facilities. USTA notes that the objective of number assignment is to provide resources so that service providers may provide telecommunications services to the public. The

⁷ Comments of SBC Communications at 7, n.18

⁸ Comments of the California Cable Television Association at 4.

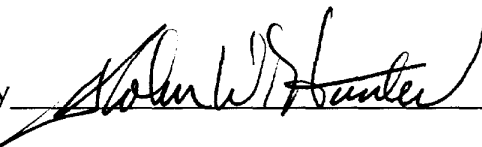
industry and NANC are vigorously addressing the issue of development of various methods for relieving the number shortage. CCTA's suggestion of developing some biased preference without regard to the actual need for numbering resources is inappropriate and should be disregarded.

Conclusion

For the reasons stated herein and in USTA's comments, the California petition should be denied.

Respectfully submitted,

UNITED STATES TELEPHONE ASSOCIATION

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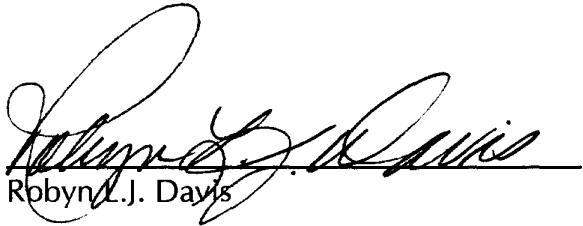
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June 28, 1999

⁹ *Id.*

CERTIFICATE OF SERVICE

I, Robyn L.J. Davis, do certify that on June 28, 1999, Reply Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.


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